

Memo

To: Enforcement
From: Hymelia Craig
CC: Files (G2) Lake City Shell 01-0232-01
Date: 12/4/2007
Re: NOV Lake City Shell 01-0232-01

Persons involved:

- (1) Permit Writer: Hymelia Craig,
401 Church Street, Nashville, TN 37243, (615) 532-0575
- (2) HLC reviewed the permit application dated 7/24/06 submitted by Lake City Shell.
- (3) Violator: Lake City Shell
76 Old 25 E
Barbourville, KY 40906
Principal official: Phil Scharr, Safety and Env. Director, (606) 546-3909

NOV information:

- (1) Location: 705 North Main Street, Lake City, TN 37769 (Information from the permit application is dated 7/24/06 and signed by Phil Scharr).
- (2) Date and time of occurrences: This NOV resulted from permit application sent in after May 1, 2006. The application was submitted on July 26, 2006.
- (3) Person involved: Hymelia Craig, permit writer in the Nashville Central Office.
- (4) Actions taken by person involved: It was determined that this site did not apply for an operating permit by May 1, 2006 or within the grace period. Also see 1200-3-18-.24(5)(a)1. Therefore a NOV was prepared.
- (5) Photos: none

A statement that describes the harm (if any), which is resulting, has resulted or will result from the violations observed. "None identified at this time."

The result requested by the permit writer: A contingent penalty of 24-month probationary period is recommended.

Damages Tracking Sheet

Company Name: Lake City Shell

Reference # :

Case # : N/A

Log # : 61414

Date	Staff	Position	Staff time (hrs.)	Vehicle miles	Other Expenses *
12/4/07	Hymelia Craig	EPS 3	3.0 0.5	0	0
11/27	JAT	EPS 6	0.5	—	—
11/30	JAT	EPS 6	0.3	—	—
12/04	JAT	EPS 6	0.3	—	—
12/05	JAT	EPS 6	0.3	↓	↓
11/19	HLC	EPS 3	1.2		
11/27	HLC	EPS 3	2.0		
11/28	HLC	EPS 3	1.0		
11/29	HLC	EPS 3	1.0		
11/30	HLC	EPS 3	0.5		
12/5	HLC	EPS 3	0.5		

*Identify expense i.e. cost of copies at Clerks office, cost to develop film, cost of lab samples, stack testing costs, etc.

Damages Guidance

1. The Division will not assess damages for contingent penalties, expedited orders, Title V sources, for sources with penalties less than \$2500.
2. Damages will be assessed on all repeat violators, excluding Title V sources.
3. The time spent on HPV determinations will be tracked and included as damages. Time spent shall be recorded on the HPV Checklist.
4. Vehicle miles will be calculated at 42¢ per mile.
5. Each NOV will have a Damages Tracking Sheet. See attached. This sheet will be initiated by the author of the NOV.
6. Each time a NOV or order is returned for corrections, include the review time on the Damages Tracking Sheet.
7. Damages shall be assessed in whole dollars. The final value will be rounded to the next highest dollar.
8. Damages shall be collected using average salaries. See below.

Title	Average
ES 1	\$17.07
ES 3	\$21.02
ES 4	\$23.93
ES 5	\$25.02
ES 6	\$28.13
EPM 1	\$30.74
EPM 2	\$32.12
EPM 3	\$33.59
EFOM	\$29.23

Title	Average
EPS 1	\$22.92
EPS 3	\$28.13
EPS 4	\$29.23
EPS 5	\$30.74
EPS 6	\$32.12
EPS 7	\$33.59
Attorney 1	\$23.93
Attorney 2	\$26.03
Attorney 3	\$29.23
Attorney 4	\$32.12